

**STATE OF MICHIGAN**  
**DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**  
**Before the Director of Insurance and Financial Services**

**In the matter of:**

██████████  
**Petitioner**

**v**

**File No. 153052-001**

**United Concordia Dental Plans of the Midwest, Inc.**  
**Respondent**

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Issued and entered  
this 26<sup>th</sup> day of April 2016  
by **Randall S. Greg**  
**Special Deputy Director**

**ORDER**

**I. PROCEDURAL BACKGROUND**

On April 4, 2016, ██████████ (Petitioner), filed a request with the Director of Insurance and Financial Services for an external review under the Patient's Right to Independent Review Act, MCL 550.1901 *et seq.*

The Petitioner receives health care benefits under a certificate of coverage issued by United Concordia Dental Plans of the Midwest (United Concordia). The benefit plan is a group plan issued to Rochester Medical Center, Inc. On April 12, 2016, after a preliminary review of the material submitted, the Director accepted the request. The Director notified United Concordia of the external review request and asked for the information it used to make its final adverse determination. United Concordia responded on April 14, 2016.

The issue in this external review can be decided by an analysis of the certificate of coverage. This matter does not require a medical opinion from an independent review organization. The Director reviews contractual issues under MCL 500.1911(7).

**II. FACTUAL BACKGROUND**

The Petitioner had a three-surface resin posterior filling (procedure code D2393) on February 2, 2016. The dentist's charge was \$373.00. United Concordia denied coverage. The Petitioner appealed the denial through United Concordia's internal grievance process.

At the conclusion of this process, on March 25, 2016, United Concordia issued a final adverse determination affirming its denial of coverage. The Petitioner now seeks the Director's review of the adverse determination.

### III. ISSUE

Did United Concordia properly deny coverage for the Petitioner's filling?

### IV. ANALYSIS

#### Petitioner's Argument

In his request for external review the Petitioner wrote:

[Dental filling] denied in error. Had a cracked tooth and the start of a cavity. I paid \$78.00 for white filling and the rest to be paid by insurance.

The Petitioner believes that his filling is a covered benefit that United Concordia should be required to pay for.

#### Respondent's Argument

United Concordia, in its Explanation of Benefit form, stated that it had denied coverage because the dental procedure in question, a three-surface resin posterior filling (procedure code D2393), is a minor restorative service not covered under the Petitioner's certificate of coverage.

#### Director's Review

The Petitioner's certificate of coverage includes a Schedule of Benefits that lists all the dental procedure codes that are covered under the Petitioner's plan. Procedure code D2393 is not included in the list of covered services. The Schedule of Benefits also includes this notice:

For services not listed (not covered), you are responsible for the full fee charged by the dentist.

United Concordia provided a list of dental procedures that are ineligible for payment under the Rochester Medical Center's group dental plan. Procedure code D2393 is listed as an ineligible service.

The Director finds that United Concordia's denial of coverage for Petitioner's February 12, 2016, posterior resin filling is consistent with the terms of the Petitioner's dental plan.

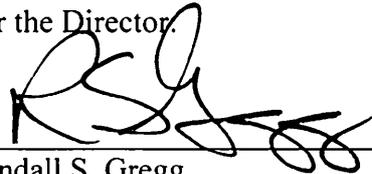
**V. ORDER**

The Director upholds BCN's March 25, 2016, final adverse determination.

This is a final decision of an administrative agency. Under MCL 550.1915, any person aggrieved by this order may seek judicial review no later than 60 days from the date of this order in the circuit court for the Michigan county where the covered person resides or in the circuit court of Ingham County. A copy of the petition for judicial review should be sent to the Department of Insurance and Financial Services, Office of General Counsel, Post Office Box 30220, Lansing, MI 48909-7720.

Patrick M. McPharlin  
Director

For the Director.

A handwritten signature in black ink, appearing to read 'RSG', is written over a horizontal line.

Randall S. Gregg  
Special Deputy Director